

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**DUNNHUMBY USA, LLC and
DUNNHUMBY LIMITED,**

Plaintiffs,

v.

EMNOS USA CORP.,

Defendant.

Case No. 13-cv-399

COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiffs dunnhumby USA, LLC and dunnhumby Limited (collectively “dunnhumby”), for their complaint against Defendant emnos USA Corp. (“emnos USA”), state and allege as follows:

INTRODUCTION

1. This is an action for patent infringement arising out of the unauthorized inclusion of dunnhumby’s patented methods and systems in emnos USA’s ANALYZER tool.

PARTIES

2. dunnhumby USA, LLC is an Ohio limited liability company with its principal place of business at 444 West 3rd Street, Cincinnati, Ohio 45202.

3. dunnhumby Limited is a corporation of the United Kingdom with its principal place of business at 71-75 Uxbridge Road, Aurora House, London, UK W5 5SL.

4. emnos USA is a Delaware corporation that is located at 300 N. LaSalle, Suite 5575 Chicago, Illinois 60654 and that conducts business in this judicial district.

JURISDICTION

5. This Court has subject matter jurisdiction over dunnhumby’s patent infringement claims under 28 U.S.C. § 1338(a) because these claims arise under Acts of Congress relating to patents including, but not limited to, 35 U.S.C. §§ 271(a)-(c), 281, and 283-285.

6. This Court has personal jurisdiction over emnos USA because emnos USA resides in Illinois and conducts its principal operations in Illinois.

7. Venue is proper in this district under 28 U.S.C. § 1391(b) and § 1400(b).

FACTUAL BACKGROUND

8. On July 3, 2012, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 8,214,246 (“the ’246 Patent”), titled “Method for Performing Retail Sales Analysis.” A copy of the ’246 Patent is attached as Exhibit 1.

9. dunnhumby Limited is the owner by assignment of all right, title, and interest in and to the ’246 Patent.

10. dunnhumby USA, LLC is a licensee of the ’246 Patent.

11. On information and belief, emnos USA has infringed and continues to infringe, has actively induced and currently is actively inducing others to infringe, and/or has contributorily infringed and currently is contributorily infringing claims of the ’246 Patent in the United States by making, using, offering for sale, and selling products that are covered by claims of the ’246 Patent.

12. More specifically, emnos USA makes, uses, sells, offers to sell, supplies, and/or causes to be supplied to end users at least its emnos ANALYZER, which performs the methods and systems disclosed and claimed in the ’246 Patent.

13. At least emnos USA’s ANALYZER directly and/or indirectly infringes claims of the ’246 Patent.

14. emnos USA’s infringement of claims of the ’246 Patent has injured dunnhumby and will cause irreparable injury in the future unless emnos USA is enjoined from further infringing claims of the patent.

FIRST CLAIM FOR RELIEF

15. dunnhumby incorporates the foregoing paragraphs by reference as though fully set forth herein.

16. emnos USA has infringed and continues to infringe—directly, contributorily,

and/or by active inducement—claims of the '246 Patent, by making, importing, offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or into the United States, devices and/or systems that embody or practice the inventions claimed in the '246 Patent. The products that embody the inventions claimed in the '246 Patent include at least emnos USA's ANALYZER.

17. The infringement by emnos USA has injured and continues to injure dunnhumby and will cause irreparable harm unless emnos USA is enjoined from infringing claims of the '246 Patent.

18. dunnhumby has complied with the statutory requirement of giving notice of the '246 Patent to emnos USA at least by filing this lawsuit and providing emnos USA a copy of this complaint.

WHEREFORE, Plaintiff dunnhumby prays for the following judgment and relief:

- a. that emnos USA has infringed claims of the '246 Patent;
- b. that dunnhumby is entitled to temporary and permanent injunctions enjoining emnos USA and its agents, servants, officers, directors, employees, and persons or entities acting in concert with emnos USA from infringing directly or indirectly, inducing others to infringe, and/or contributing to the infringement of claims of the '246 Patent;
- c. that emnos USA account for and pay to dunnhumby the damages to which it is entitled as a consequence of emnos USA's continued infringement following the period of infringement established by dunnhumby at trial;
- d. that dunnhumby is entitled to interest and costs; and
- e. any other relief that the Court finds just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff dunnhumby demands a jury trial on all issues so triable.

Dated: January 17, 2013

/s/Katharine E. Heitman

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